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CHARLES ELMORE

United States Supreme Court

OCTOBER TERM, 1949

JOHN HOWARD LAWSON,
Petitioner,
against
UNITED STATES OF AMERICA.

No. 248.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

BRIEF OF AMERICAN CIVIL LIBERTIES UNION AND UNITARIAN FELLOWSHIP FOR SOCIAL JUSTICE, AS *AMICI CURIAE*

AMERICAN CIVIL LIBERTIES UNION,
Amicus Curiae.

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EMANUEL GORDON,
HERBERT M. LEVY,
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UNITARIAN FELLOWSHIP FOR SOCIAL JUSTICE,
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The Interest of the American Civil Liberties Union

The American Civil Liberties Union is an organization devoted to the protection and expansion of the guarantees contained in the Bill of Rights. Because this proceeding is alleged to involve a member of the Communist Party, we believe that it is pertinent to state our views and those of the Unitarian Fellowship for Social Justice. The American Civil Liberties Union as a champion of civil liberties is opposed to any governmental or economic system which denies fundamental civil liberties and human rights. It is therefore opposed to any form of the police state or to any single party state and any movement in support of them, whether fascist, Communist, or known

by any other name. In opposing these dictatorial or totalitarian systems, the Union takes no position on their economic, social, or political practices or policies not affecting civil liberties.

From the inception of the House Committee on Un-American Activities, the American Civil Liberties Union has consistently opposed it both because its very existence in our view constitutes a threat to freedom of expression and association by the nature of its mandate, and also because its procedure has been so arbitrary and guided largely by personal whim and political prejudice.

We respectfully urge that this court grant certiorari to review the decision below so that it may decide a novel question whose importance it has already recognized. Certainly the issue of whether the exercise of the powers said to have been conferred upon the Committee is consistent with the Constitution is important. Last year, by its grant of certiorari in the *Eisler* case, the Supreme Court recognized this importance by agreeing to review that decision. See *Eisler* v. *United States*, 93 L. Ed. 1326, 1330 (Mr. Justice Murphy, dissenting). Since then, the continued burdens and restraints upon freedom of expression and free circulation of ideas by the forced confession methods of the House Committee have rendered the decision of this issue even more imperative.

We submit that the First Amendment prohibits Congress from compelling revelations of opinions whose expression it may not restrain, that there is a freedom to be silent as well as to speak, that the resolutions setting up the Committee provide improper standards in that the terms of reference are too vague and that they authorize investigations of matters beyond the powers of Congress to investigate.

We earnestly request, therefore, that this petition for a writ of certiorari be granted, not on any narrow grounds, but to review the overwhelmingly important issue of whether Congress may constitutionally create a committee, whose operation, in accordance with its avowed purpose, has resulted in the restriction of that freedom of expression and thought upon which the vitality of our American democracy is built.

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION,
Amicus Curiae.

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